



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,966	02/18/2005	Werner Honegger	FRR-15905	3602
40854	7590	07/30/2007		
RANKIN, HILL, PORTER & CLARK LLP			EXAMINER	
38210 Glenn Avenue			HUYNH, LOUIS K	
WILLOUGHBY, OH 44094-7808			ART UNIT	PAPER NUMBER
			3721	
			MAIL DATE	DELIVERY MODE
			07/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ED

Office Action Summary	Application No.	Applicant(s)	
	10/524,966	HONEGGER, WERNER	
	Examiner	Art Unit	
	Louis K. Huynh	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-15 and 17-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,7-15 and 17-46 is/are rejected.
- 7) ☒ Claim(s) 4 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 21, lines 2-3: "the exit point (B) in an upper area of the periphery of the processing drum" (the embodiment of Fig. 5) renders the claim indefinite because it is contradict to claim 20 in that the pressing belt cannot support the object when the belt is above the object. See applicant's remark filed 6/15/2007, page 17, lines 5-11.
- Claim 22, line 1: "the further belt" lacks proper antecedent basis; perhaps claim 22 should depend on claim 21.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 10-13, 15, 17, 18, 20, 26-29, 31-33, 35, 38-41, 43-45 are rejected under 35 U.S.C. 102(b) as being anticipated by WO'738 (WO 00/64738).

- With respect to claims 1, 20 and 35, WO'738 discloses an apparatus that meets all of applicant's claimed subject matter; in particular, the apparatus comprises: a drum (8)

Art Unit: 3721

being driven in rotation about a substantially horizontal axis and having axially extending support elements (shaded elements in Fig. 2) and axially extending tool elements (36) whose radial position are adjustable, a pressing belt (10) running on a periphery of the processing drum (1) and on support rollers (12, 14, 16) between an entry point and an exit point, supply means (28), and removal means (30); wherein an entry section of the pressing belt (10), the support roller (12) and the supply means (28) are fully capable of supporting and conveying an object (2) to the entry point; and wherein an exit section of the pressing belt (10), the support roller (14) and the removal means (30) are fully capable of supporting and conveying the object (2) from the exit point.

- With respect to claims 10, 12, 26, 28, 38, and 40, the WO'738 further includes supply means (20) for supplying two packaging foil webs (22 & 24) that sandwich newspapers (2) along the periphery of the processing drum (8).
- With respect to claims 11, 17, 27, 32, 39 and 44 the tool elements of the WO'738 apparatus are equipped with knife blades (52) for partly separating the packaging foil webs (22 & 24) between the newspapers (2).
- With respect to claims 13, 18, 29, 33, 41 and 45 the tool elements of the WO'738 apparatus are also with welding means (44) for sealing form seals on packaging foil webs between the newspares.
- With respect to claims 15, 31 and 43, the WO/738 apparatus is used for packaging newspapers which are printed products.

Art Unit: 3721

5. Claims 1, 7 and 8, 20, 24 and 35-37 are rejected under 35 U.S.C. 102(b) as being anticipated by GB'077 (GB 1409077).

- GB'077 discloses an apparatus for producing transverse seam in a two-ply web of plastic film that meets all of applicant's claimed subject matter; in particular, the apparatus comprises: a processing drum (1) having axially extending support elements (16) whose radial position are adjustable, axially extending tool elements (10) whose radial position are adjustable, a pressing belt (4) running on a periphery of the processing drum (1) and on support rollers (3, 5, 6) between an entry point and an exit point, inherent supply means for feeding the plastic webs, inherent removal means for removing seamed two-ply plastic web; wherein the support elements (16) have an axial extension and comprise a variable width at right angles to their axial extension; and wherein the support element (16) and the tool elements (10) are connected to a control means (11, 11') such that they are simultaneously and uniformly adjusted along helical screws (13, 13') (page 3, left column, lines 14-63). Regarding the functional language of the pressing belt being arranged to be capable to support and convey the object to the entry point or from the exit point, the pressing belt (4) of GB'077 is fully capable of supporting and conveying the two-ply web of plastic film to the entry point and fully capable of supporting and conveying the seamed two-ply web of plastic away from the exit point because the two-ply web is always in contact with the pressing belt (4) from the entry support roller (3) through the processing drum (1) and to the exit support roller (3).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO'738 (WO 00/64738) in view of Carlton (US 3,616,042).

- The WO'738 apparatus includes a part of the pressing belt (10) being an exit ramp and the support elements (shaded element in Fig. 2) spreading from the drum periphery, which meets all of applicant's claimed subject matter but lacks the specific teaching of the entry point being situated in a lower area and the exit point being situated in an upper area. However, where the entry point and the exit point are arranged would have been obvious to a skilled person in the art as a matter of engineering designed choice since it does not solve any stated problem insofar as the record is concerned, and thus does not patentably distinguish the claimed invention over the applied prior art. Furthermore, arranging the entry point at a lower area and the exit point at an upper area in an apparatus having processing drum is old and well known in the art and is disclosed in the reference to Carlton, wherein a web (16) to be processed enters a processing drum (44) through an entry point located in a lower area of the processing drum, and the processed web (16) exits the processing drum (44) through an exit point located in an upper area of the processing drum. Therefore, it would have been obvious to a skilled person in the art, at the time of the invention,

Art Unit: 3721

to have modified the WO'738 apparatus by having arranged the entry point at a lower area and the exit point at an upper area, as a matter of engineering design choice or as taught by Carlton, because where the products to be processed enter the processing drum and where the processed products exit the processing drum are not the invention of the present application and are not really matter as to the way the claimed invention works.

8. Claims 9 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO'738 (WO 00/64738).

- The WO'738 includes the tool elements (36) which are equipped with welding jaws and perforating knife blade (52), which can be used separately or together depending on the desired process such as cutting only or welding only or welding/cutting; thus the tool elements are considered to be interchangeable.

9. Claims 14, 19, 30, 34, 42 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO'738 (WO 00/64738).

- The WO'738 meets all of applicant's claimed subject matter but lacks the specific teaching of the pressing belt having a Teflon-coating and the tool elements comprising welding wires. However, it is well-known that Teflon have been widely used in the art of heat sealing for preventing welded material from sticking sealing members, and that welding wires have also been widely used in welding plastic material for its fast heating/cooling and energy saving; it is noted that the WO'738

Art Unit: 3721

apparatus is for sealing plastic films, the pressing belt (10) is used as a sealing anvil and the seals do not have to be perfect; therefore, it would have been obvious to a skilled person in the art, at the time of the invention, to have modified the WO'738 apparatus by having provided the tool elements with welding wires and the pressing belt with a Teflon-coating so that the plastic films when welded together do not stick to the pressing belt and the energy consumption for welding the plastic films would be minimal.

Allowable Subject Matter

10. Claims 4 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 21 and 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Claim 22 would be allowable along with claim 21 if corrected to depend on claim 21.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

13. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after


Art Unit: 3721

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is 571-272-4462. The examiner can normally be reached on M-F from 8:00AM to 3:00PM.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Louis K. Huynh
Primary Examiner
Art Unit 3721

July 25, 2007